REMARKS

This reply is responsive to the Office Action mailed October 17, 2005. Claims 1-20 are pending. Upon entry of this response, claims 1, 2 and 7 are amended. Reconsideration of this application in light of the amendments and remarks is respectfully requested.

In the Office Action, the examiner:

- indicated claims 8-15 as being allowed;
- objected to claim 1 because it is not clearly stated whether "account for" is disclosed in the specification;
- objected to claim 19 because it is not clearly stated what is the capability of the adaptive node which is stated in line 1 of the claim;
- rejected claims 1-7 and 16-20 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,564,262 to Chaddha ("the Chaddha patent") in view of U.S. Patent No. 6,272,151 to Gupta et al. ("the Gupta patent.")

Allowable Subject Matter

Applicants note with appreciation the indication that claims 8-15 are allowed.

Objections

Claim 1 stands objected to, the examiner indicating that it is not clearly stated whether "account for" is disclosed in the specification. Paragraph 21 of the specification, states:

> "In one embodiment of the invention, the network analyzer's 54 only function may be to account for the number of channels 30 to which each of its downstream receivers 60 has subscribed."

Thus, applicants believe that there is sufficient support in the specification for the limitation "account for" in claim 1. Applicants, therefore, request that this objection be withdrawn.

Claim 19 stands objected to, the examiner indicating that it is not clearly stated what is the capability of the adaptive node which is stated in line 1 of the claim. Claim 19 recites that the adaptive node comprises:

> ". . . a network analyzer for: i. perceiving network congestion conditions . . . and ii. based on the perceived network congestion conditions, dynamically modifying transmission of data channels from a source of data channels disposed logically upstream of the adaptive node to a client logically disposed downstream of the adaptive node."

Thus, the "capability" of the "adaptive node" of claim 19 is that of "modifying transmission of data channels from a source . . . to a client." Applicants, therefore, request that this objection be withdrawn.

Rejections

35 U.S.C. § 103(a)

Claims 1-7 and 16-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the Chaddha patent in view of the Gupta patent.

Claims 1-7

Claims 1-7 are patentable over the Chaddha and Gupta patents, because those references, either taken alone or in combination, fail to disclose all of the limitations of claim.

Claim 1 has been amended to recite:

> "A system for providing streaming fine granular scalability coded video data, comprising:
> a server . . .;
> a receiver having a first network analyzer that monitors network congestion conditions of the data network at the receiver, and dynamically modifies subscriptions to a predetermined number of the plurality of the channels based on the perceived congestion conditions of the data network at the receiver . . . ."

Claim 7 has been amended to recite:

> "A method for streaming fine granular scalability coded video data, comprising:
> providing a server for sending fine granular scalability coded video data into a data network through a plurality of channels;
> perceiving network congestion conditions of the data network at a receiver using a network analyzer included with the receiver;
> dynamically modifying subscriptions to a predetermined number of the plurality of the channels based on the perceived congestion conditions of the data network at the receiver . . . ."

Claims 1 and 7 are patentable over the Chaddha and Gupta patents because those references, either alone or in combination, fail to disclose, teach or suggest all of the limitations of the claims.

The Chaddha patent discloses that the "server 210 periodically provides updated information to client computer 231 about the different multicast groups, their associated data transfer rates, which portion of the spatial-temporal embedded stream belongs to which MMG, and information about base layer(s) of the embedded stream." (*See* the Chaddha patent, col. 7, lines 17-22.) "Armed with the information provided by server 210," the client computer 231 joins or leaves MMGs to "efficiently maintain a healthy equilibrium between its need and the availability of the network bandwidth." (*Id.*, col. 7, lines 32-35.) Thus, the Chaddha patent discloses that data transfer information regarding the network is collected by the server, and then provided to the receiver, and does not disclose "a receiver having a first network analyzer that monitors network congestion conditions of the data network at the receiver;" as required by claim 1, or "perceiving network congestion conditions of the data network at a receiver using a network analyzer included with the receiver," as required by claim 7.

The Gupta patent fails to remedy this deficiency, because it does not disclose that its digital entertainment terminals 618 constitute "a receiver having a first network analyzer that monitors network congestion conditions of the data network at the receiver;" as required by claim 1. Nor does the Gupta patent disclose that its digital

entertainment terminals 618 are capable of "perceiving network congestion conditions of the data network . . . using a network analyzer included with the receiver," as required by claim 7.

Thus, the Chaddha and Gupta patents, either alone or in combination, fail to expressly or inherently disclose all of the limitations of independent claims 1 and 7. Accordingly, claims 1 and 7 are believed to be allowable. With respect to claims 2-6, which depend upon claim 1 and recite additional features of the invention, applicant believes these claims to be allowable for at least the same reasons as stated for claim 1. In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection of these claims is respectfully urged.

Claims 16-20

Claim 16 recites:

> "An adaptive node for use in a streaming video data system, comprising . . . a network analyzer for: i. perceiving network congestion conditions . . . and . . . based on the perceived network congestion conditions, dynamically modifying transmission of data channels from a source of data channels disposed logically upstream of the adaptive node to a client logically disposed downstream of the adaptive node."

Claim 16 is patentable over the Chaddha and Gupta patents because those references, either alone or in combination, fail to disclose, teach or suggest all of the limitations of claim 16. The Chaddha patent discloses a server 210 and a receiver 231, (*see* the Chaddha patent at col. 4, lines 59-61 and Fig. 2), but fails to disclose "[a]n adaptive node for use in a streaming video data system, comprising . . . a network analyzer for: i. perceiving network congestion conditions . . . and . . . based on the perceived network congestion conditions, dynamically modifying transmission of data channels from a source of data channels disposed logically upstream of the adaptive node to a client logically disposed downstream of the adaptive node." The Gupta patent does not remedy this deficiency. The examiner states that the Gupta video distributor 614 is an adaptive node, and that Gupta's system controller 656 is a network analyzer, (*see*

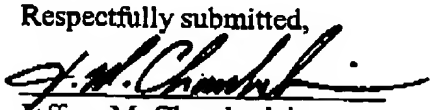
Office Action, page. 3, lines 11-12). However, the Gupta patent fails to disclose that this network analyzer "perceiv[es] network congestion conditions . . . and . . . based on the perceived network congestion conditions, dynamically modifyi[es] transmission of data channels from a source of data channels disposed logically upstream of the adaptive node to a client logically disposed downstream of the adaptive node," as required by claim 16. Although the Gupta server 656 is disclosed as performing a number of different functions, (*see* Office Action, pg. 3, lines 11-16), the Gupta patent does not disclose that its server 656 performs the above quoted functions required by claim 16.

Thus, the Chaddha and Gupta patents, either alone or in combination, fail to disclose, teach or suggest all of the limitations of claim 16. Accordingly, claim 16 is believed to be allowable. With respect to claims 17-20, which depend upon claim 16 and recite additional features of the invention, applicants believes these claims to be allowable for at least the same reasons as stated for claim 16. In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection of these claims is respectfully urged.

Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 3-12 are in condition for allowance. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

The Commissioner is hereby authorized to charge payment of any required fees, or to credit any overpayment, to Deposit Account No. 50-2061.

Respectfully submitted,



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